

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-12, 14-24, and 26-28 are pending in this application, Claims 13, and 25 having been canceled without prejudice or disclaimer, Claims 1, 9, 12, 14, 15, 24, and 26 having been presently amended, and Claims 27 and 28 having been presently added. Support for amended Claims 1, 9, 12, 14, 15, 24, and 26 can be found, for example, in the original claims, drawings, and specification as originally filed.<sup>1</sup> No new matter has been added.

In the outstanding Office Action, the claims were objected to due to informalities; Claims 1-11 and 15-23 were rejected under 35 U.S.C. § 101; Claims 1-8 and 10-26 were rejected under 35 U.S.C. § 102(b) as anticipated by Hill et al. (U.S. Patent No. 6,236,981; hereinafter “Hill”); and Claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over Hill in view of Van Berkel (U.S. Patent Publication No. 2002/0190964; hereinafter “Van Berkel”).

Initially, Applicants respectfully request that all of the references cited in the Information Disclosure Statement filed on January 31, 2006, be acknowledged as having been considered in the next Office Action. Reference AW was not acknowledged; yet a copy of this reference was provided to the Office with the filed IDS and is available on the U.S. Patent and Trademark Office’s portal.

In regard to the objection to Claim 9, Applicants have amended Claim 9 in accordance with the suggestion set forth in the outstanding Office Action. Accordingly, Applicants respectfully submit that the objection to Claim 9 has been overcome.

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<sup>1</sup> See page 6, lines 6-9 of the specification, and original Claim 4.

In response to the rejection of Claims 1-11 and 15-23 under 35 U.S.C. § 101, Applicants note that Claims 1-11 and 15-23 are directed to an information processing device and recite means-plus-function terminology, and are not directed towards software per se.

Proper claim interpretation of a means-plus-function (35 U.S.C. § 112, 6<sup>th</sup> paragraph) element entails consideration of the structures disclosed in the specification and equivalents thereof. In determining the scope of the claims prior to determining compliance with each statutory requirement for patentability, MPEP § 2106 provides:

Office personnel are to correlate each claim limitation to all portions of the disclosure that describes the claim limitation. This is to be done in all cases, i.e., whether or not the claimed invention is defined using means or step plus function language. The correlation step will ensure that office personnel will correctly interpret each claim limitation. (emphasis added).

Accordingly, Applicants respectfully request that the rejection of Claims 1-11 and 15-23 under 35 U.S.C. § 101 be withdrawn.

In response to the rejection of Claims 1-8 and 10-26 under 35 U.S.C. § 102(b) as anticipated by Hill, Applicant respectfully submits that Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1 is directed to an information processing device including, *inter alia*:

... presenting means for presenting by wireless communication user information to be read or changed by said other information processing device;...

Independent Claims 12, 14, 15, 24, 26, 27, and 28 recite a substantially similar feature as Claim 1. Thus, the arguments presented below with respect to Claim 1 are also applicable to Claims 12, 14, 15, 24, 26, 27, and 28.

Hill describes transferring a payment token from a user to a merchant platform<sup>2</sup> and that the “payment server is remote from the merchant platform and the merchant platform communicates over a communications network with the payment server. Typically, although not necessarily, all three of the user, the merchant and the payment server will be linked by internet connections.”<sup>3</sup>

However, Hill fails to disclose or suggest “presenting means for presenting *by wireless communication user information to be read or changed* by said other information processing device,” as recited in Applicants’ independent Claim 1. In Hill, the payment tokens are transmitted to the payment server by a communications network such as an internet connection. User information to be read or changed by the merchant platform (asserted to correspond to Applicants’ other information processing device at page 4 of the Office Action) is **not** wirelessly presented to the merchant platform in Hill.

Thus, Applicants respectfully submit that independent Claims 1, 12, 14, 15, 24, 26, 27, and 28 (and all claims depending thereon) patentably distinguish over Hill.

Accordingly, Applicants respectfully request the rejection of Claims 1-8 and 10-26 under 35 U.S.C. § 102(b) as anticipated by Hill be withdrawn.

In response to the rejection of Claim 9 under 35 U.S.C. § 103(a) as unpatentable over Hill in view of Van Berkel, Applicants note that Claim 9 is dependent on Claim 1 and is thus believed to be patentable for at least the reasons discussed above. Further, Applicants respectfully submit that Van Berkel fails to cure any of the above-noted deficiencies of Hill. Accordingly, Applicants respectfully request that the rejection of Claim 9 under 35 U.S.C. § 103(a) as unpatentable over Hill in view of Van Berkel be withdrawn.

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<sup>2</sup> See Hill at column 2, lines 11-13.

<sup>3</sup> See Hill at column 2, lines 46-51.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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